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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

JUL 7 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of

Implementation of Section 309(j)  
of the Communications Act -  
Competitive Bidding

Amendment of the Commission's  
Cellular PCS Cross-Ownership Rule

Implementation of Sections 3(n) and 332  
of the Communications Act  
Regulatory Treatment of Mobile Services

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PP Docket No. 93-253

GN Docket No. 90-314

GN Docket No. 93-252

TO: The Commission

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**GO COMMUNICATIONS CORPORATION COMMENTS  
ON FURTHER NOTICE OF PROPOSED RULE MAKING**

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July 7, 1995

Noted by rec'd 074  
DATE 7/7/95

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
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| Implementation of Section 309(j)        | ) | PP Docket No. 93-253 |
| of the Communications Act -             | ) |                      |
| Competitive Bidding                     | ) |                      |
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| Cellular PCS Cross-Ownership Rule       | ) |                      |
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| Implementation of Sections 3(n) and 332 | ) |                      |
| of the Communications Act               | ) | GN Docket No. 93-252 |
| Regulatory Treatment of Mobile Services | ) |                      |

TO: The Commission

**GO COMMUNICATIONS CORPORATION COMMENTS  
ON FURTHER NOTICE OF PROPOSED RULE MAKING**

GO Communications Corporation ("GO"). by its attorneys, hereby submits its comments in support of the proposals released in the Further Notice of Proposed Rule Making of June 23, 1995.<sup>1/</sup> GO applauds the Commission's prompt action in light of the Supreme Court's decision in Adarand Constructors, Inc. v. Pena,<sup>2/</sup> and respectfully urges the Commission to stay the course and proceed with the long overdue C block auction on August 29, 1995.

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<sup>1/</sup> *Further Notice of Proposed Rule Making*, GN Docket No.s 93-252 and 90-315, PP Docket 93-253 (rel. June 23, 1995) (*Further Notice* or *FNPRM*).

<sup>2/</sup> 63 U.S.L.W. 4523 (U.S. June 12, 1995).

GO, which will bid in the C block auction as a small business entrepreneur, supports the Commission's response to the *Adarand* decision reflected in the *FNPRM*. The *Further Notice* proposes the least intrusive changes to the rules which will (1) comply with and implement the mandate of *Adarand*, (2) minimize disruption to previously entered financial arrangements, and (3) facilitate speedy conduct of the auctions. This approach maintains intact almost all of the benefits made available to minority and woman-owned enterprises under the previous C block auction rules. The Commission's proposed changes strike an appropriate balance by leveling benefits upward in a manner that mitigates potential harm to all affected parties. The Further Notice demonstrates that the agency correctly recognizes the need to minimize these last minute changes in order to reinforce the legal defensibility of the regulatory framework.

Any further delays or even threats of delay to the C block auction will irrevocably damage all entrepreneurs. The Commission's decision to proceed with the licensing of the A/B winners further exacerbates this problem since the largest PCS competitors have now been granted a sizable headstart. These dominant telecommunications companies are now racing ahead and tying up limited resources needed to deploy PCS. Speed to market is a critical ingredient to competitive success for entrepreneurs, and rapid action by the Commission is essential to provide C block applicants with the opportunity to earn meaningful market share.

For these reasons, GO supports the proposals of the Further Notice of Proposed Rule Making and advocates continued speed before and during the auction. The rule changes drafted by the Commission will strengthen the value of the ultimate C block license grants by

lessening the likelihood of successful challenges to those grants. Prompt adoption of the proposed rules will result in greater certainty and competitive opportunities for all C block applicants.

Respectfully submitted,

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July 7, 1995

**CERTIFICATE OF SERVICE**

I, Bridget Y. Monroe, a secretary with the law firm of Verner, Liipfert, Bernhard, McPherson and Hand, hereby certify that on this 7th day of July, 1995, a copy of the foregoing document was delivered by messenger to the following persons:

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